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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/786,459 | 02/25/2004 | Wayne A. Lundeberg | 6079.102US | 9338 |

7590 03/28/2007
Lawrence R. Oremland, P.C.
Suite C-214
5055 East Broadway Blvd.
Tucson, AZ 85711

EXAMINER

PRICE, CRAIG JAMES

| | |
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| ART UNIT | PAPER NUMBER |
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3753

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| MAIL DATE | DELIVERY MODE |
|-----------|---------------|

03/28/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|--------------------------|-----------------|------------------|--|
| Interview Summary | Application No. | Applicant(s) | |
| | 10/786,459 | LUNDEBERG ET AL. | |
| | Examiner | Art Unit | |
| | Craig Price | 3753 | |

All participants (applicant, applicant's representative, PTO personnel):

(1) Craig Price, USPTO.

(3) Larry Oremland.

(2) Eric Keasel, USPTO.

(4) _____.

Date of Interview: 26 March 2007.

Type: a) ☒ Telephonic b) ☐ Video Conference
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☐ No.
If Yes, brief description: _____.

Claim(s) discussed: 1 and 2.

Identification of prior art discussed: Kamiya et al '613 and Jacob '886.


Agreement with respect to the claims f) ☐ was reached. g) ☐ was not reached. h) ☒ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: discussion concerning the proposed claim, see attached, and the limitations which would combine the device with the water meter cover (utility is not disclosed in the specification) and limitations which would not include structure that is "configured to" some other limitation. The new claim may be generic to the non-elected invention, this has yet to be determined. Mr. Oremland would amend proposed claims for examination.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.


Examiner's signature, if required

Summary of Record of Interview Requirements

Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

Privileged/Confidential**LAWRENCE R. OREMLAND, P.C.**

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FACSIMILE TRANSMITTAL SHEET

| | |
|----------------------------|-------------------------------------|
| TO: | FROM: |
| Examiner Craig James Price | Larry Oremland |
| COMPANY: | DATE: |
| USPTO | 3/26/2007 |
| FAX NUMBER: | TOTAL NO. OF PAGES INCLUDING COVER: |
| 571-273-2712 | 2 |
| PHONE NUMBER: | SENDER'S REFERENCE NUMBER: |
| 571-273-2712 | 6079.102US |
| RE: | YOUR REFERENCE NUMBER: |
| Serial Number 10/786,459 | |

☒ URGENT ☐ FOR REVIEW ☐ PLEASE COMMENT ☐ PLEASE REPLY ☐ PLEASE RECYCLE

NOTES/COMMENTS:

Dear Examiner Price,

In light of our recent discussions, I have presented below a new proposed claim we would like to discuss at our telephone conference, along with some comments regarding the 2 references we have been discussing. I hope these materials will be useful in our phone conference.

Proposed New Claim

A barrier device coupled to a utility system cover that has a tool access opening that (i) extends through the cover from a top side of the cover to an underside of the cover, and (ii) is configured to enable the cover to be engaged and manipulated by a tool that is designed to engage and manipulate the cover; the barrier device comprising a hood and a stem extending away from the hood; the stem extending into and through the tool access opening in the fluid system cover and engaging the underside of the cover to couple the barrier device to the cover; the hood and at least part of the stem configured to cover the tool access opening in the fluid system cover, in a manner that provides a barrier to materials and objects passing through the tool access opening in the cover; and the barrier device having a recess configured to receive and engage a portion of a tool in a manner

that enables the tool to engage and manipulate the coupled barrier device and cover.

Comments regarding the Jacob and Kamiya references.

Kamiya does not relate to a coupled barrier device and utility system cover. In addition, the cable tie of Kamiya is coupled by the element 40 to a base plate 50 such as the body panel of an automobile, but there is no disclosure or suggestion in Kamiya that the coupled cable tie and base plate are intended to be engaged and manipulated by a tool, and there is no disclosure or suggestion of a recess in anything that would correspond to applicant's barrier device that is configured to receive and engage a portion of a tool in a manner that enables the tool to engage and manipulate a coupled barrier device and cover.

The Jacob patent does not have a barrier device that is coupled to a utility system cover with the tool access opening defined in the claims, and does not have a barrier device that has a hood and stem that couple the barrier device to the utility system cover in the manner claimed, and provide a recess that enables a portion of a tool in a manner that enables the tool to engage and manipulate the coupled barrier device and cover. The element 14 of Jacob at most corresponds to a utility system cover, but would not have the tool access opening, barrier device (comprising hood and stem) that closes the tool access opening, is coupled to the utility system cover in the manner defined by the claim, and has a recess configured to receive and engage a portion of a tool in a manner that enables the tool to engage and manipulate a coupled barrier device and cover.

We look forward to discussing this application with you

Lawrence R. Oremahnd